

R E M A R K S

This is a reply to the Office Action mailed September 30, 2003 with a shortened statutory response period that ended on December 30, 2003. A *Petition to Revive Unintentionally Abandoned Application* and a *Request for Continued Examination* and the corresponding fees accompany this response. The Commissioner is hereby authorized to charge any additional fees to Deposit Account number 02-1818.

Claims 1-11, 13-33 and 35-41 are pending in this application.

Claims 1-3, 7-25 and 38-41 were rejected under 35 U.S.C. §102(a) as anticipated over PCT Publication No. WO 95/13918 to Rosenbaum (*Rosenbaum*). Claims 9-11 and 31-33 were rejected under 35 U.S.C. § 103(a) as being obvious over *Rosenbaum* in view of European Patent Application No. 556,034 to Sudo (*Sudo*). Claims 21 and 35-37 were rejected under 35 U.S.C. § 103(a) as being obvious over *Rosenbaum* in view of U.S. Patent No. 5,928,740 to Wilhoit et al. (*Wilhoit*). Applicants respectfully traverse and disagree with these rejections as *Rosenbaum*, *Sudo* and *Wilhoit*, either alone or in combination, fail to teach or suggest the subject matter recited in the present claims. *Rosenbaum*, *Sudo* and *Wilhoit*, either alone or in combination, fail to teach or suggest a film layer composed solely of two components wherein one component is an ethylene α -olefin copolymer with a density of 0.915g/cc or an ionomer as recited in the present claims. *Rosenbaum*'s radio frequency is a four component layer and teaches away from the recited two component layer. *Sudo* discloses a cyclic resin composition that may contain an olefin resin. *Sudo*, page 8 lines 37-41. *Sudo*, however, has no disclosure directed to a composition that contains either an ethylene α -olefin copolymer with a density of 0.915g/cc or an ionomer. *Wilhoit*'s heat sealing film layer requires at least three components and teaches away from the recited two component layer. *Wilhoit*, col. 10 lines 26-31.

Accordingly, Applicants respectfully submit that *Rosenbaum*, *Sudo* and/or *Wilhoit* fail to teach or suggest the subject matter of the present claims. *Rosenbaum* and *Wilhoit* fail to render obvious the claimed invention as defined by claims 21 and 35-37 for at least these reasons.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,
BELL, BOYD & LLOYD LLC

Date: September 7, 2004

BY 

Robert M. Barrett
Reg. No. 30,142
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4204